

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU**

PAUL MAZZOLA,

Index No.:

Plaintiff,

Date Filed.:

-against-

Plaintiff designates Nassau County as the
place of Trial.

**DIOCESE OF ROCKVILLE CENTRE, ST.
HUGH OF LINCOLN ROMAN CATHOLIC
CHURCH and NICHOLAS UNTERSTEIN.**

Defendants.

The basis of venue is the County in which
a substantial part of the events or
omissions giving rise to the claim
occurred.

Plaintiff resides at
158 Burr Road
Commack, N.Y. 11725

SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned to answer the verified complaint in this action and to serve a copy of your answer, or, if the verified complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear to answer, judgment will be taken against you by default for the relief demanded in the verified complaint.

Dated: Garden City, New York
August 14, 2019

Respectfully,
/s/ Michael J. Romano, Esq.
Romano & Associates
Attorney for Plaintiff
PAUL MAZZOLA
400 Garden City Plaza, Suite 432
Garden City, NY, 11530
Tel No.: 516-248-8880
Fax No.: 516-706-6684

Defendants' Addresses:

**DIOCESE OF ROCKVILLE CENTRE
50 N Park Avenue
Rockville Centre, NY 11571**

**ST.HUGH OF LINCOLN ROMAN CATHOLIC CHURCH
21 East 9th Street
Huntington Station, NY 11746**

**NICHOLAS UNTERSTEIN
1504 Braemar Creek, Unit 804
Williamsburg, VA 23188-1492**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

PAUL MAZZOLA,

Index No.:

Plaintiff(s),

Date Filed.:

-against-

VERIFIED COMPLAINTDIOCESE OF ROCKVILLE CENTRE, ST.
HUGH OF LINCOLN ROMAN CATHOLIC
CHURCH and NICHOLAS UNTERSTEIN.

Defendant(s).

Plaintiff, PAUL MAZZOLA by his attorney, ROMANO & ASSOCIATES, complaining of the Defendant(s) herein, respectfully alleges upon information and belief:

THE PARTIES

1. Plaintiff is an adult citizen of the United States and a resident of Suffolk County, State of New York.
2. Upon information and belief, that at all times herein mentioned, defendant DIOCESE OF ROCKVILLE CENTRE [hereinafter the "DIOCESE"] was and still is a non-profit religious corporation, authorized to, and actually engaging in business under the laws of the State of New York within the Counties of Nassau and Suffolk.
3. Upon information and belief, that at all times herein mentioned, defendant DIOCESE maintains its principal place of business in Rockville Centre, Nassau County, New York.
4. Upon information and belief and at all times herein mentioned, defendant DIOCESE operated numerous parishes within the Counties of Nassau and Suffolk, including ST.HUGH OF LINCOLN ROMAN CATHOLIC CHURCH [hereinafter "ST.HUGH"].
5. Upon information and belief, that at all times herein mentioned, defendant ST.HUGH, through its agents, servants and/or employees, was organized as a religious corporation in the County of Suffolk.
6. Upon information and belief, that at all times herein mentioned, defendant ST.HUGH operated a grade school located at 21 East Ninth Street, Huntington Station, New York 11746.
7. Upon information and belief, that at all times herein mentioned, defendant ST. HUGH operates within the Diocese, under its control and for its benefit.

8. At all relevant times, the Defendant DIOCESE employed Defendant NICHOLAS UNTERSTEIN.
9. At all relevant times, the Defendant DIOCESE employed Defendant NICHOLAS UNTERSTEIN as a priest.
10. At all relevant times, the Defendant NICHOLAS UNTERSTEIN operated under the control and/or supervision of the Diocese.

FACTS

11. Plaintiff, PAUL MAZZOLA, is an adult man, who, at all times relevant to this Complaint, was under the age of eighteen.
12. Plaintiff, PAUL MAZZOLA, at all times relevant to this complaint, was a student at the grade school operated by ST. HUGH.
13. Plaintiff, PAUL MAZZOLA, was a seventh (7th) grade student from 1965-1966 at the grade school operated by ST. HUGH, located in Huntington Station, New York.
14. Plaintiff, PAUL MAZZOLA, was an eight grade student from 1966-1967 at at the grade school operated by ST. HUGH, located in Huntington Station, New York.
15. At all relevant times Defendant, NICHOLAS UNTERSTEIN, was a Roman Catholic priest, employed by, agent and servant of, and acting within the course and scope of his employment and agency for the Defendant Diocese of Rockville Centre.
16. At all relevant times Defendant, NICHOLAS UNTERSTEIN, was assigned by the Defendant, Diocese of Rockville Centre, to be a parish priest at ST. HUGH OF LINCOLN ROMAN CATHOLIC CHURCH, where he provided pastoral services to Plaintiff, PAUL MAZZOLA, and was at all times acting within the course and scope of his employment in performing duties on behalf of the Defendant, DIOCESE OF ROCKVILLE CENTRE.
17. The Defendant, Diocese of Rockville Centre, delegated to Defendant, NICHOLAS UNTERSTEIN, the duties of a priest, including but not limited to, hearing confessions, performing religious services, providing educational, spiritual, moral, and ethical guidance.
18. The Defendant, DIOCESE OF ROCKVILLE CENTRE, knew that as part of his duties as a priest, Defendant, NICHOLAS UNTERSTEIN, would be in a position of trust, authority, and confidence with parishioners, including the Plaintiff, PAUL MAZZOLA.

19. The Defendant, DIOCESE OF ROCKVILLE CENTRE, knew that as part of his duties as a priest, Defendant, NICHOLAS UNTERSTEIN, would be in a position to have regular and frequent contact with the Plaintiff, PAUL MAZZOLA.
20. The Defendant, DIOCESE OF ROCKVILLE CENTRE, knew that as part of his position as a priest, Defendant, NICHOLAS UNTERSTEIN, would have access to the Plaintiff outside of church related activities.
21. The Defendant, DIOCESE OF ROCKVILLE CENTRE, had the right and responsibility to supervise, direct, and control the activities of their employees and agents, including Defendant, NICHOLAS UNTERSTEIN.
22. The Defendant, DIOCESE OF ROCKVILLE CENTRE, through its employees and agents, instructed the Plaintiff that Defendant, NICHOLAS UNTERSTEIN, should be trusted.
23. The Defendant, DIOCESE OF ROCKVILLE CENTRE, through its employees and agents, instructed the Plaintiff that Defendant, NICHOLAS UNTERSTEIN, should be respected and obeyed as Jesus Christ's representative on earth.
24. At all times relevant hereto, for the purpose of performing his assigned duties, Defendant, NICHOLAS UNTERSTEIN, sought and gained the consent of the Plaintiff's parents to spend time alone with the Plaintiff.
25. At all times relevant hereto, the Defendant, NICHOLAS UNTERSTEIN, sought and gained the Plaintiff's trust and confidence as a spiritual guide and mentor, and conditioned Plaintiff to comply with his directions in spiritual, moral, and secular matters.
26. That from the period of 1966-1967, on at least six (6) occasions, Defendant, NICHOLAS UNTERSTEIN, invited the Plaintiff, PAUL MAZZOLA, to Century Movie Theatre located at 37 Wall Street Huntington, N.Y. 11743.
27. That from the period of 1966-1967, on at least six (6) occasions, Defendant, NICHOLAS UNTERSTEIN, invited the Plaintiff, PAUL MAZZOLA, to Century Movie Theatre located at 37 Wall Street Huntington, N.Y. 11743 where Defendant, NICHOLAS UNTERSTEIN, would engage in sexual acts with the Plaintiff.
28. That from the period of 1966-1967, on at least six (6) occasions, Defendant, NICHOLAS UNTERSTEIN, took the Plaintiff, PAUL MAZZOLA, to Century Movie Theatre located at 37 Wall Street Huntington, N.Y. 11743 where Defendant, NICHOLAS UNTERSTEIN, with his hands, would make continuous contact, rubbing and molesting the Plaintiff's private parts and inner thighs during the entirety of each movie that they viewed; for a period of approximately one (1) to two (2) hours for each trip to the movie theatre.

29. At all times relevant hereto, Defendant, NICHOLAS UNTERSTEIN, while acting within the course and scope of his employment and agency with the Defendant, DIOCESE, used the authority, power, and trust of his position to manipulate and groom the Plaintiff to engage in sexual acts with him.
30. At all times relevant hereto, Defendant, DIOCESE knew or should have known that child victims of sexual abuse, including the Plaintiff, would believe that they were in some way responsible for the abuse and would be unlikely to heal from its damaging psychological effects until they felt safe to openly discuss the abuse.
31. At all times relevant hereto, Defendant, DIOCESE knew or should have known that victims of sexual abuse, including the Plaintiff, are unlikely to disclose the abuse or seek therapy for the effects of abuse because of shame, guilt, and a belief that they would not be believed if they publicly accused the Defendant, NICHOLAS UNTERSTEIN.
32. At all times relevant hereto, Defendant, DIOCESE should have monitored the activities of Defendant NICHOLAS UNTERSTEIN relating to outside or extracurricular activities that Defendant NICHOLAS UNTERSTEIN partook in with students of the grade school at ST.HUGH OF LINCOLN ROMAN CATHOLIC CHURCH.

FIRST CAUSE OF ACTION—SEXUAL BATTERY OF A CHILD

33. Plaintiff repeats and realleges paragraphs 1 through 32 as though fully set forth herein.
34. On at least six occasions during the time period of 1966-1967, Defendant, NICHOLAS UNTERSTEIN, took the Plaintiff to the Century Movie Theatre and engaged in sexual misconduct with the Plaintiff.
35. On at least six occasions during the time period of 1966-1967, Defendant, NICHOLAS UNTERSTEIN, took the Plaintiff to the Century Movie Theatre and make continuous contact and rubbing with Plaintiff's private parts and inner thighs during the course of watching the movie.
36. At all times relevant hereto, after being sexually abused by the Defendant, Plaintiff was fearful that if he told anyone about what happened that they either would not believe him or they would accuse him of lying because the Catholic Church and its priests were so highly revered by the community during that time period.
37. At all times relevant hereto, Defendant, NICHOLAS UNTERSTEIN's acts of manipulation and grooming of the Plaintiff, PAUL MAZZOLA, were committed to fulfill his duties as a priest, teacher, and pastor, and were of the type the Defendant, expected and required priests to perform.
38. As a result of Defendant, NICHOLAS UNTERSTEIN's sexual assault and battery, molestation, and breach of trust, the Plaintiff, PAUL MAZZOLA, has suffered and will

continue to suffer physical and emotional pain, great difficulty in forming and maintaining close emotional relationships, depression, shame, embarrassment, anxiety, dysfunction, wounded trust in the intentions of others, post-traumatic stress dysfunction, and loss of religious faith.

SECOND CAUSE OF ACTION — NEGLIGENCE

39. Plaintiff repeats and realleges paragraphs 1 through 38 as though fully set forth herein.
40. At all times relevant hereto, Defendant, DIOCESE had a duty to protect the safety of the Plaintiff and other children under its supervision and control.
41. At all times relevant hereto, prior to Defendant, NICHOLAS UNTERSTEIN's sexual abuse of the Plaintiff, the DIOCESE knew that sexual misconduct was a significant problem among its priests and failed to notify the Plaintiff, his parents, or the parishioners of the threat.
42. At all times relevant hereto, prior to Defendant, NICHOLAS UNTERSTEIN's abuse of the Plaintiff, the Defendant, DIOCESE, knew that students, including the Plaintiff, were particularly vulnerable to being abused sexually by priests because of their youth, conditioned obedience to priests, and the many opportunities for secluded contact with priests.
43. At all times relevant hereto, prior to Defendant, NICHOLAS UNTERSTEIN's abuse of the Plaintiff, the Defendant, DIOCESE, knew or should have known that the Plaintiff was at a substantial risk of being abused by Father NICHOLAS UNTERSTEIN.
44. The DIOCESE was negligent in one or more of the following particulars that caused damage to the Plaintiff: In allowing Defendant, NICHOLAS UNTERSTEIN, to perform the duties of a priest at St. Hugh of Lincoln Roman Catholic Church without properly investigating his propensities to sexually abuse minors; In failing to adequately supervise Defendant, NICHOLAS UNTERSTEIN's access to the Plaintiff; In allowing Defendant, NICHOLAS UNTERSTEIN to have the Plaintiff accompany him alone to the movie theatre on several occasions; in failing to supervise the time spent alone by the Plaintiff and Defendant, NICHOLAS UNTERSTEIN.
45. As a direct and proximate result of the negligence of the DIOCESE, the Plaintiff has suffered and will suffer damages as alleged above.

THIRD CAUSE OF ACTION- NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

46. Plaintiff repeats and realleges paragraphs 1 through 45 as though fully set forth herein.

47. That all times relevant hereto, the Defendants breached a duty owed to the Plaintiff, resulting in severe emotional harm.
48. That at times relevant hereto, based on the facts mentioned herein above, the conduct of the Defendants amount to extreme and outrageous conduct.
49. As a result of the facts and circumstances set forth above the Plaintiff suffered and will continue to suffer severe emotional distress.

PUNITIVE DAMAGES

50. Plaintiff repeats and realleges paragraphs 1 through 49 as though fully set forth herein.
51. Punitive damages should also be imposed against all Defendants as a result of their willful, wanton and gross indifference to their duty to supervise and monitor NICHOLAS UNTERSTEIN.
52. The conduct of each of the Defendants necessitates an award of punitive damages to punish them for their misdeeds, to provide an economic incentive (the moral incentive having been proven inadequate) to discourage them from allowing the children (and their families) of this community and the State of New York from being harmed by the acts of sexual predators who are in a position of power, including, but not limited to, members of the clergy, and to deter others in positions of trust from acting in kind.

WHEREFORE, Plaintiff, PAUL MAZZOLA, demands that judgment be entered against all Defendants, jointly and severally, and in favor of Plaintiff PAUL MAZZOLA, for

- i. Compensatory damages in a sum in excess of the jurisdictional limits of the lower courts;
- ii. Punitive Damages in a sum to be determined at trial;
- iii. For costs and disbursements of the action; and
- iv. For any such other and further or different relief which to this Court seems just, equitable and proper.

Dated: Garden City, New York
August 14, 2019

Yours, etc.,

Romano & Associates
Attorneys for Plaintiff
PAUL MAZZOLA

400 Garden City Plaza, Suite 432
Garden City, NY, 11530
Tel No.: 516-248-8880
Fax No.: 516-706-6684

By: /s/ Michael J. Romano, Esq.

Michael Romano, Esq.

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
)SS.:
COUNTY OF SUFFOLK)


PAUL MAZZOLA, being duly sworn, deposes and says:

That deponent is the plaintiff in the within action; and deponent has read the foregoing *Verified Summons and Complaint* and knows the contents thereof; that the same is true except for as to those matters therein stated to be upon information and belief, and as to those matters, deponent believes them to be true.


PAUL MAZZOLA

STATE OF NEW YORK)
)SS.:
COUNTY OF SUFFOLK)

I CERTIFY that on August 13, 2019, PAUL MAZZOLA, personally came before me and acknowledged under oath, to my satisfaction, that this person is named in and personally signed this document.


Notary Public

LINDA A. SCURA
Notary Public, State of New York
No. 01SC6154762
Qualified in Suffolk County
Commission Expires October 23, 2022

SUPREME COURT OF THE STATE OF NEW YORK
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ST. HUGH OF LINCOLN ROMAN CATHOLIC CHURCH
and NICHOLAS UNTERSTEIN.

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

Michael J. Romano, Esq.
Romano & Associates
Attorney for Plaintiff
PAUL MAZZOLA
400 Garden City Plaza, Suite 432
Garden City, NY, 11530
Tel No.: 516-248-8880
Fax No.: 516-706-6684

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of this document, or the contentions contained therein, are not frivolous.

Dated: August 14, 2019

Signature /s/ Michael J. Romano, Esq.
Signer's Name: Michael J. Romano, Esq.

Service of a copy of the within in hereby admitted.
Dated,

Attorneys for
Sit: Please take notice

___ NOTICE OF ENTRY- That the within is a certified copy of a duly entered in the office of the Clerk of the within named Court on ____.

___ NOTICE OF SETTLEMENT- That an order of which the within is a true copy will be presented for settlement to the Honorable _____, on the of the Judges of the within named Court, at _____ am/pm on the day of _____.